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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/655,969	09/04/2003	Jay S. Walker	02-058	8907	
22927 WAI KER DIC	7590 08/10/2007 GITAL MANAGEMENT, L	ıc	EXAM	EXAMINER	
2 HIGH RIDGE PARK			SAGER, MARK ALAN		
STAMFORD,	CT 06905		ART UNIT	PAPER NUMBER	
			3714		
			MAIL DATE	DELIVERY MODE	
			08/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

			T A 11				
		Application No.	Applicant(s)				
	Notice of Non-Compliant	10/655,969	WALKER ET AL.				
	Amendment (37 CFR 1.121)	Examiner	Art Unit				
	7. 44.00 0.475 (4)	M. A. Sager	3714				
	The MAILING DATE of this communication app		•				
eq	e amendment document filed on <u>30 May 2007</u> is cons quirements of 37 CFR 1.121 or 1.4. In order for the am m(s) is required.	idered non-compliant because it nendment document to be complia	has failed to meet ant, correction of f	the the following			
ГН	IE FOLLOWING MARKED (X) ITEM(S) CAUSE THE A  ☐ 1. Amendments to the specification: ☐ A. Amended paragraph(s) do not include ☐ B. New paragraph(s) should not be under ☐ C. Other	markings.	3E NON-COMPLI	ANT:			
	<ul><li>2. Abstract:</li><li>A. Not presented on a separate sheet. 37</li><li>B. Other</li></ul>	CFR 1.72.					
	<ul> <li>□ 3. Amendments to the drawings:</li> <li>□ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).</li> <li>□ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.</li> <li>□ C. Other</li> </ul>						
	<ul> <li>✓ A. A complete listing of all of the claims is not present.</li> <li>☐ B. The listing of claims does not include the text of all-pending claims (including withdrawn claims)</li> <li>☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).</li> <li>☐ D. The claims of this amendment paper have not been presented in ascending numerical order.</li> <li>☑ E. Other: see attached 2 pages.</li> </ul>						
	5. Other (e.g., the amendment is unsigned or no	ot signed in accordance with 37 C	CFR 1.4):				
=o	r further explanation of the amendment format require	ed by 37 CFR 1.121, see MPEP §	714.				
ΓIN	ME PERIODS FOR FILING A REPLY TO THIS NOTIC	DE:					
1.	Applicant is given <b>no new time period</b> if the non-co- filed after allowance. If applicant wishes to resubmit <b>entire corrected amendment</b> must be resubmitted.	t the non-compliant after-final ame	nal amendment or endment with corr	an amendment ections, the			
2.	Applicant is given <b>one month</b> , or thirty (30) days, where correction, if the non-compliant amendment is one of (including a submission for a request for continued examendment filed within a suspension period under 3 Quayle action. If any of above boxes 1, to 4, are cheston-compliant amendment in compliance with 37 CF	of the following: a preliminary ame examination (RCE) under 37 CFR B7 CFR 1.103(a) or (c), and an an ecked, the correction required is o	endment, a non-fin (1.114), a suppler nendment filed in	al amendment mental response to a			
	Extensions of time are available under 37 CFR amendment or an amendment filed in response to		t amendment is a	non-final			
	Failure to timely respond to this notice will result Abandonment of the application if the non-co-filed in response to a Quayle action; or Non-entry of the amendment if the non-complete.	mpliant amendment is a non-final					

Legal Instruments Examiner (LIE), if applicable U.S. Patent and Trademark Office

amendment.

Telephone No.

Art Unit: 3714

1. This notice of non-compliance is to notify the Applicant that response received May 30, 2007 is not fully responsive to prior Official action. MPEP 714, 714.02, 714.03. 37 CFR 1.111. Applicant is reminded that the general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. MPEP 819. Newly submitted claims 10-41 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: invention II claims selecting a player of a gaming device to receive a portable communication device, obtaining a player identifier from the player and supplying the portable communication device to the player that is not present including either implicitly or inherently in claims 1-9 of invention I claims. Similarly, the steps and structure of invention I claims is not present either inherently or implicitly in invention II claims. Thus, the inventions II and I are separate and distinct.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on May 30, 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because invention II claims steps are not present either implicitly or inherently in original invention I claims 1-7 as detailed above incorporated herein.

Although the above-mentioned amendment is not a *bona fide* attempt to reply, at least since the applicant is not permitted to shift inventions (supra), as a service to the applicant, the

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applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

## Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. A. Sager Primary Examiner Art Unit 3714